

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 5, 2004 ("Office Action"). At the time of the Office Action, Claims 1-7 were pending in the Application. The Examiner rejected Claims 1-7. Applicants have amended Claims 1-5 and 7. Claim 6 has been canceled. Claims 8-21 have been added. Applicants respectfully submit that no new matter has been added by the amendments to the claims and that the amendments do not narrow the scope of the present invention. Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0094723A1 filed by Ruppman ("*Ruppman*"). Applicants respectfully traverse these rejections for the reasons stated below.

In order to establish a prima facie case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA) 1974).

Claim 1, as amended, recites:

A method for making a molded container from a plastic resin, comprising:
 contacting a plastic resin with an oxygen-depleted atmosphere;
 heating the plastic resin to a temperature at which the plastic resin can be extruded;
 extruding a quantity of the plastic resin into a mold;
 blowing the plastic resin against the mold to form a molded container;
 pressuring and flushing the molded container with an inert gas;
 depressuring the molded container; and
 releasing the molded container from the mold.

Applicants respectfully submit that the reference cited by the Examiner fails to teach, suggest, or disclose each element of Claim 1. Specifically, the *Ruppman* reference cited by the Examiner fails to teach, suggest, or disclose "pressuring and flushing the molded container with an inert gas." *Ruppman* instead describes a method and apparatus for making

a preform from a polyester-based resin stored at ambient conditions. While generally referring to injection molding using a screw feeder (*Ruppman*, p.3, ¶ 21), *Ruppman* fails to describe extrusion molding using an inert gas to pressure and flush a molded container after plastic resin has been blown against a mold to form the container. Therefore, regardless of Examiner's statement that "[i]t is generally well known in the art that extrusion blow molding and injection blow molding are equivalents," (Office Action, 2) the cited reference fails to teach, suggest, or disclose each and every element of Claim 1. For at least this reason, the rejection of Claim 1 is improper, and Applicants respectfully request that it be withdrawn.

Claims 2-5 each depend from independent Claim 1. Applicants submit that Claims 2-5 are also patentable over the cited art, for example, for the same reason discussed above with regard to Claim 1 and respectfully request that the rejections of Claim 2-5 also be withdrawn.

Similar to Claim 1, Claim 7, as amended, recites:

A method for making a molded container from a plastic resin, comprising:
extruding a quantity of a plastic resin into a mold;
blowing the plastic resin against the mold to form a molded container;
pressuring and flushing the molded container with an inert gas;
depressuring the molded container; and
releasing the molded container from the mold.

As mentioned above in regard to Claim 1, the *Ruppman* reference cited by Examiner fails to teach, suggest, or disclose "pressuring and flushing the molded container with an inert gas." For at least this reason, the rejection of Claim 7 is also improper, and Applicants respectfully request that it be withdrawn.


CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants hereby take an Extension of Time for filing this Response for three months from January 5, 2005 to April 5, 2005. A check in the amount of \$510.00 is enclosed to cover for the extension of time fee. The Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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